

United States District Court
Eastern District of Michigan

United States of America

v.

Erjon Barci /

Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: 05-80747

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

(1) I find that:

- “ there is probable cause to believe that the defendant has committed an offense
- “ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or _____;
- “ under 18 U.S.C. § 924(c).

(2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

T I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

T I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- T** (a) nature of the offense - Defendant’s alleged false statements obstructed the investigation of a homicide perpetrated by a racketeering organization.
- T** (b) weight of the evidence - The evidence is strong and included defendant’s past arrest statements as well as statements by two eyewitnesses.
- T** (c) history and characteristics of the defendant - Defendant is subject to deportation and is likely to be excluded upon conviction. He has little to lose by absconding. Several other witnesses have fled the U.S.
 - T** 1) physical and mental condition - Defendant enjoys good health.
 - T** 2) employment, financial, family ties - Defendant has family ties to the community and is employed.
 - T** 3) criminal history and record of appearance - Defendant has one felony conviction for B&E
- T** (d) probation, parole or bond at time of the alleged offense - Defendant was on probation and INS bond at the time of the charged offense.
- T** (e) danger to another person or community. - This defendant has now admitted that he was present at a meeting during which a murder was planned, and that he accompanied other members of the racketeering organization on surveillance of the intended victims on the night before the killing. The shooting took place in a public location creating a risk of harm to innocent persons. Upon his arrest, defendant declared his intention to leave the country. Other witnesses to the activities of the same organization have already fled this country. Pretrial Services recommends detention. I fully agree. I consider this defendant to be a serious flight risk and a danger to the community.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

August 22, 2005

Date

s/Donald A. Scheer

Signature of Judge

Donald A. Scheer, United States Magistrate Judge

Name and Title of Judge